

1 Marjorie June Angell (CONS/PE)**Case No. 0231943**

Attorney Lucich, Nicholas L, JR (for Helon & Manfredi, for Conservator Claudia Spaulding)

Probate Status Hearing RE: Filing of the Fourth Account

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Corrected Minute Order of 06/05/2014 set the Status Hearing for the Filing of the Fourth Account on 02/08/2016.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/03/2015
		Updates:
		Recommendation:
		File 1 – Angell

Report of Sale and Petition for Order Confirm Sale of Real Property

DOD: 12/15/1995		ROQUE RODRIGUEZ , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service of the Notice of Hearing on buyer, Mendota Land Co. Probate Code § 10308(c). 2. Petition does not state how title to the property will be held. 3. Order does not include the manner of vesting title on the real property. Note: If the petition is granted, status hearings will be set as follows: • Wednesday, September 16, 2015 at 9:00 a.m. in Department 303, for the filing of the increased bond. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Reappraisal		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
✓	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Sale Price - \$27,500.00 Over Bid - \$29,637.00 Reappraisal - \$18,750.00 Property - 1364 "M" Street, Firebaugh, Fresno, Ca. Publication - The Fresno Bee Buyers - Mendota Land Co., A California Corporation or assignee Broker - \$1,665.00 (6% - Guarantee Real Estate) Current Bond - \$22,500.00 Petition requests bond be increased to \$27,750.00	
Reviewed by: KT			
Reviewed on: 8/3/15			
Updates:			
Recommendation:			
File 2 – Rodriguez			

Conservator: Albert Franco (pro per)

Conservator: Patricia Leonard (pro per)

Probate Status Hearing Re: Filing of the Third Account

DOD: 8/15/13	ALBERT FRANCO and PATRICIA LEONARD are conservators of the person and estate. Order approving second account and report was approved on 2/21/13. Property on hand at the end of the second account included real property and cash in the sum of \$2,518.86. Minute order dated 2/21/13 set this status hearing for the filing of the third account.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Accounting filed and set for hearing on 9/17/15.
Cont. from 042415, 050715, 070915		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT Reviewed on: 8/3/15 Updates: Recommendation: File 3 - Kozera

Attorney: Gregory J. Roberts (for Petitioner/Trustee Timothy Moore)

Second and Final Account and Report of Successor Trustee and Petition for Its Approval; for Allowance of Trustee's Fees and Reimbursement of Costs

		NEEDS/PROBLEMS/COMMENTS: <u>Continued to 9/1/15</u> at the request of the attorney.
Cont. from		
Aff.Sub.Wit.		
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Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 8/3/15
		Updates:
		Recommendation:
		File 4 – Moore

5 Margaret Warmerdam (Estate)**Case No. 12CEPR00123****Attorney Teixeira, J. Stanley (for Andy Warmerdam – Petitioner – Son/Trustee)****Petition for Probate of Will and for Letters Testamentary**

DOD: 11/28/2011		ANDY WARMERDAM , son/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 12/27/2002 Residence: Fresno Publication: The Business Journal Estimated value of the Estate: Personal property - \$872,000.00 Real property - \$625,000.00 Total - \$1,497,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted status hearings will be set as follows: • Thursday, 01/07/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 10/06/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
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<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV Reviewed on: 08/03/2015 Updates: Submitted Recommendation: File 5 - Warmerdam	

**Leeanjdra Herrera, Brijido Frank Herrera, Jr., and
Isaiah Andres Sanchez Almaguer, Jr. (GUARD/P) Case No.12CEPR00752**

Atty Herrera, Brijido F. (Pro Per – Father of Leeanjdra and Brijido, Jr. – Petitioner)

Atty Sanchez, Leonardo (Pro Per – Maternal Grandfather – Guardian)

Atty Sanchez, Rosalinda S. (Pro Per – Maternal Grandmother – Guardian)

Petition for Visitation

		BRIJIDO F. HERRERA , Father of Leeanjdra and Brijido, Jr., is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: This petition pertains to minors Leeanjdra and Brijido, Jr., only. See Minute Order of 5/12/15 for the most recent visitation order. 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on: - Leonardo Sanchez (Guardian) - Rosalinda Sanchez (Guardian)
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail		
	Aff.Pub.		
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	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 8/3/15 Updates: Recommendation: File 6 – Herrea & Almaguar

LEONARDO and ROSALINDA SANCHEZ, Maternal Grandparents, were appointed Guardians of these minors, along with their sibling Isaiah, on 10/23/12.

Mother: **ROSAMARIA SORIA SANCHEZ**
- Diligence found 5/12/15

Paternal Grandfather: Unknown
Paternal Grandmother: Rosemary Brown

Petitioner states he is grateful for the current visitation arrangement but would like to be able to spend more quality time with the children in a different setting for a longer amount of time. He is asking the court to please increase his visitation. He has been following the previous order every other week from 11-2 at McDonalds with their grandpa present. He would like to be able to have the children at his home or day outing, preferably on Sundays from 10am to 6pm. Thank you.

Atty Markeson, Thomas; Harris, Richard (for Administrator Kevin Gunner)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 10/29/2013		<p>KEVIN GUNNER, Attorney at Law, was appointed Administrator with Will Annexed with Full IAEA authority with bond of \$384,000.00 on 2/11/2014.</p> <p>Proof of Bond was filed 2/21/2014.</p> <p>Letters issued on 2/24/2014.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was filed 7/17/2014 showing an estate value of \$888,465.61.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 2/24/2015.</p> <p>Minute Order dated 2/11/2014 from the hearing on the petition for letters of administration set this status hearing on 4/10/2015 for filing of the first account and/or petition for final distribution.</p> <p><i>Status Report on Final Distribution</i> filed 7/30/2015 by Attorney Markeson for the Administrator states:</p> <ul style="list-style-type: none"> This estate is not yet ready for distribution, and is likely insolvent; The Administrator has sold all personal and real property of the estate; Administrator is in possession of cash of ~\$49,000.00; The estate is also a named defendant in the matter of <i>Diocese of San Joaquin and The Episcopal Church v. Shofield</i> (08CECG01425); the defendants have appealed to the Fifth District Court of Appeal; the case has been fully briefed, with the reply filed on 7/24/15; oral argument has not yet been scheduled; According to a clerk at the Court of Appeal, it could be as long as 9 months before oral argument, with a final decision due within 90 days thereafter; Accordingly, he requests this matter be continued to February 2016 in order for that matter to be resolved. 	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 041015				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
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<input type="checkbox"/>	Sp.Ntc.			
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<input type="checkbox"/>	Letters			
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input checked="" type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: LEG Reviewed on: 8/3/15 Updates: Recommendation: File 7 - Schofield

Probate Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 4/3/2014	BRITTNEY MARIE LANE , daughter, was appointed Administrator on 6/5/2014. Letters issued on 6/20/2014.		NEEDS/PROBLEMS/COMMENTS:					
	<i>Final Inventory and Appraisal</i> filed 10/28/2014 shows an estate value of \$284,806.04.							
Cont. from	Status Report filed 7/27/2015 by Attorney Marcus Magness for the Administrator states:		<table border="1"> <tr><td>Reviewed by: LEG</td></tr> <tr><td>Reviewed on: 8/3/15</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 8 - Lane</td></tr> </table>	Reviewed by: LEG	Reviewed on: 8/3/15	Updates:	Recommendation:	File 8 - Lane
Reviewed by: LEG								
Reviewed on: 8/3/15								
Updates:								
Recommendation:								
File 8 - Lane								
Aff.Sub.Wit.		<ul style="list-style-type: none"> The largest asset of the estate was the residence owned by the Decedent; the Administrator and her attorney negotiated the sale of such property to one of the creditors of the estate; 						
Verified	X	<ul style="list-style-type: none"> Pursuant to the agreement terms, the down payment of the buyer (William Jensen) satisfied the creditor's claims filed by Mr. Jensen, Forkner Crest Community Association, and Provident Funding Associates; 						
Inventory		<ul style="list-style-type: none"> The estate balance of the purchase price is represented by a promissory note to the estate, secured by a first priority deed of trust in such property; this transaction closed in February 2015; 						
PTC		<ul style="list-style-type: none"> Provident Funding Associates and Mr. Jensen signed satisfactions of creditor's claims <i>[filed 4/2/2015; 5/21/2015]</i>; 						
Not.Cred.		<ul style="list-style-type: none"> Forkner Crest Community Association did not sign or deliver a satisfaction or withdrawal of creditor's claim; 						
Notice of Hrg		<ul style="list-style-type: none"> A creditor's claim was filed by St. Agnes Medical Center <i>[on 1/5/2015]</i>, and while the claim was allowed the debt appears to have been satisfied by Decedent's healthcare insurance; they are informed that no amounts are due to St. Agnes but it has yet to withdraw its creditor's claim; 						
✓ Aff.Mail		<ul style="list-style-type: none"> In addition to working to clear the creditor's claims, the Administrator is waiting for refunds from the IRS and Franchise Tax Board, which relate to the Decedent's 2014 income tax returns; 						
Aff.Pub.		<ul style="list-style-type: none"> The returns were filed in April 2015, but the refunds have not yet been received; the Administrator is contacting the IRS and the Franchise Tax Board to find out the status of the refunds; 						
Sp.Ntc.		<ul style="list-style-type: none"> The estate is in a position to be closed except for the missing tax refunds and the withdrawal of the St. Agnes and Forkner Crest creditor's claims; 						
Pers.Serv.		<ul style="list-style-type: none"> It is anticipated that the Petition for Final Distribution will be filed by 8/30/2015; if the refunds are not received by the time the petition is filed, the bank account for the estate will remain open and the funds distributed to an omnibus clause in the order. 						
Conf. Screen								
Letters	062014							
Duties/Supp								
Objections								
Video Receipt								
CI Report								
9202								
Order								
Aff. Posting								
✓ Status Rpt								
UCCJEA								
Citation								
FTB Notice								

Attorney Setrakian, Philip S. (for Connie Hamlin – Administrator – Petitioner)

First and Final Account and report of Administrator and petition for Settlement Thereof; for Allowance of Statutory Attorney Fees and Administrator Compensation and for Final Distribution

Cont. from 071615		
	Aff.Sub.Wit.	
	Verified	x
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

Amended petition filed 7/31/15
is set for hearing on 9/14/15.

Reviewed by: skc
Reviewed on: 7/31/15
Updates:
Recommendation:
File 9A – Ash

Attorney Teixeira, J. Stanley (for Petitioner Laura Kuhne-Irigoyen, Administrator)
 Pro Per Luna, Oscar (Pro Per Civil Plaintiff against Decedent's Estate)

**Petition by Representative to Determine Ownership of Estate Property and for Order
 Authorizing and Directing Transfer of Estate Property to Claimant**

DOD: 9/10/2014		<p>LAURA KUHNE-IRIGOYEN, spouse and Administrator appointed on 1/7/2015 with bond set at \$245,000.00, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Decedent died holding title and possession of property inventoried with a total value of \$229,000.00, one of the assets being a 2003 Porsche 911 Turbo (copy of Certificate of Title evidencing the automobile held in the name of Decedent attached as Exhibit 1); Petitioner believes the automobile is in the possession of OSCAR LUNA; Petitioner has made demands for surrender and return of the property to no avail; Decedent also held title to real property located on Amador Street in Fresno (copy of last deed evidencing title held in name of Decedent attached as Exhibit 2); Oscar Luna filed a Second Amended Complaint for Trust Termination, Conversion and Injunctive Relief in Case 14CECG02921 (copy attached as Exhibit 3), claiming ownership of the automobile and real property; Petitioner believes the action by Luna is solely for purposes of delay and obstruction; further, Luna alleges that the property is subject to a trust for his benefit; the allegation of the existence of a trust and its validity should be properly subject to proceedings under Probate Code § 17200 et seq.; Despite having filed a Demurrer to Luna's original complaint and informing him that Petitioner is the Administrator in the instant Fresno County Superior Court Case 14CEPR01043, Luna continues to insist in his Second Amended Complaint that Petitioner serves as Administrator under Madera County Superior Court Case MPR013217; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note Re Future Hearing: A Probate Status Hearing for filing of the first and final account is scheduled for 3/7/2016.</p> <p align="center">~Please see additional page~</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W /
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			010815
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: LEG

Reviewed on:
8/3/15

Updates:

Recommendation:

File 10 – Irigoyen

Petitioner states, continued:

- The items of property for which Luna or his agent has possession or has interfered with possession and control, and which property belongs to the instant estate, are the 2003 Porsche 911 Turbo and the real property located on Amador street in Fresno;
- Petitioner bases the estate's claim of ownership on the attached copies of the Certificate of Title to the vehicle and the Deed for the real property, and on Petitioner's personal knowledge of Decedent's personal affairs;
- Petitioner believes any claims of ownership by Oscar Luna are without merit.

Petitioner requests the Court determine ownership of the property to Decedent, and to authorize and direct Petitioner to control, manage, administer and dispose of the property for the benefit of the estate.

Laura Kuhne-Irigoyen's Request for Judicial Notice filed 6/29/2015 contains:

- Copy of Oscar Luna's *First Amended Complaint* filed 10/21/2014 in Case 14CECG02921 (*copy attached as Exhibit C*);
- Petitioner's *Demurrer to the First Amended Complaint* filed 12/2/2014 in Case 14CECG02921 (*copy attached as Exhibit D*);
- Copy of Oscar Luna's *Second Amended Complaint* filed 5/27/2015 in Case 14CECG02921 (*copy attached as Exhibit F*).

NEEDS/PROBLEMS/COMMENTS, continued:

Note: Proposed order finds: (1) the property described in Attachment A to the order, consisting of the Porsche and the real property on Amador Street, was owned by Decedent as title holder; and (2) Oscar Luna is directed to relinquish all claims, withdraw all notices of lis pendens, and to transfer all interest in the property to Petitioner as Administrator of the estate, and is directed to prepare, execute, and deliver all necessary documents of transfer. The following interlineations are made to the proposed order:

1. The term "was" on Page 1 relating to ownership of the items of property on Attachment A has been changed to "is" since the Petition alleges the ownership has always been in the Decedent's name;
2. Page 2 of the order has been interlineated to include the case name and case number in the caption, to describe the subject property as that property listed on Attachment A, and to indicate the Court's signature is contained on Attachment A; and
3. Attachment A has been interlineated to include the case name and case number in the caption, the VIN of the automobile and license plate number, as well as the date and signature lines for the Court at the end of Attachment A so that the order complies with Local Rule 7.6.1 (B).

DOD: 12/31/2014	DEBORAH L. BONANDER , was appointed Administrator with Will annexed, with full IAEA authority without bond on 03/05/2015.	NEEDS/PROBLEMS/COMMENTS: 1. Need <u>Final</u> Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	Letters issued 03/06/2015.	
Aff.Sub.Wit.	Inventory and Appraisal Partial No. 1 filed 04/07/2015 shows an estates valued at \$135,000.00.	
Verified		
Inventory	Minute Order of 03/05/2015 set this status hearing for the filing of the Final Inventory and Appraisal.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 08/03/2015
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 – Bonander

DOD: 06/21/1999	MARTHA HUERTA , was appointed administrator with full IAEA authority with bond set at \$110,000.00 on 04/02/2015.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Letters issued on 05/13/2015.	<u>OFF CALENDAR</u>
Aff.Sub.Wit.	Minute Order of 04/02/2015 set this status hearing for the filing of the Inventory and Appraisal.	Final Inventory and Appraisal filed 08/03/2015.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/03/2015
		Updates:
		Recommendation:
		File 12 – Garcia

13 Reuben Nelson (Estate) Case No. 15CEPR00376**Atty Walters, Jennifer L. (for Frank Underwood – Petitioner)****Petition for Letters of Administration; Authorization to Administer Under IAEA**

DOD: 05/26/2005	FRANK UNDERWOOD , is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		Note: Petitioner is also the petitioner on Page #14. Decedent, Reuben Nelson, is the father of the Decedent, Susan Nelson, on page #14.
Cont. from 052115, 070215	Full IAEA – o.k.	Minute Order of 07/02/2015: Counsel requests a continuance to work on the noticing issues.
Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fresno Publication: The Business Journal	The deficiencies with the pleadings include, but are not limited to, the following:
Inventory		
PTC	Estimated value of the Estate:	<ol style="list-style-type: none"> 1. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D. 2. #5a(3) or #5a(4) was not answered regarding a registered domestic partner. 3. Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent. 4. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). 5. Need Notice of Petition to Administer Estate.
Not.Cred.	Personal property - \$175,000.00	
Notice of Hrg	<input checked="" type="checkbox"/> x	Please see additional page
Aff.Mail	<input checked="" type="checkbox"/> x	
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: Steven Diebert	Reviewed by: LV
Sp.Ntc.		Reviewed on: 08/03/2015
Pers.Serv.		Updates:
Conf. Screen		Recommendation:
<input checked="" type="checkbox"/> Letters		File 13 - Nelson
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

7. Need proof of service of the Notice of Petition to Administer Estate pursuant to Probate Code §8110 on the following:
- Charlie Nelson
 - Jenny Nelson
 - Michael Nelson

Note: If granted, the Court will set status hearings as follows:

- **Thursday, January 7, 2016** for filing the Inventory and Appraisal
- **Thursday October 6, 2016** for filing the first account or petition for final distribution.

If proper items are on file prior to the filing dates pursuant to local rules, the status dates may come off calendar.

Petition for Probate of Will and for Letters Testamentary: Authorization to Administer Under the Independent Administration of Estates Act

DOD: 03/28/2015		FRANK UNDERWOOD , is petitioner and requests appointment as Administrator with will annexed without bond. Full IAEA – o.k. Holographic Will dated: 06/16/2000 Residence: Fresno Publication: The Business Journal Estimated value of the Estate: Personal property - \$1,000.00 Real property - \$160,000.00 Total - \$161,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Minute Order of 07/02/2015: Counsel requests a continuance to work on the noticing issues. The deficiencies with the pleadings include, but are not limited to, the following: 1. #5a(3) or #5a(4) was not answered regarding a registered domestic partner. 2. #5a(7) or #5a(8) was not answered regarding issue of predeceased child. 3. Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent. 4. Need proof of holographic instrument. 5. The issue of bond has not been addressed on the petition at #3d(1) or #3d(2). 6. Need Notice of Petition to Administer Estate. <u>Please see additional page</u>	
Cont. from 052115, 070215				
<input type="checkbox"/>	Proof of Holographic Inst.			x
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail	x		
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: LV
Reviewed on: 08/03/2015
Updates:
Recommendation:
File 14 - Nelson

7. Need proof of service of the Notice of Petition to Administer Estate pursuant to Probate Code §8110 on Charlie Nelson.

Note: If granted, the Court will set status hearings as follows:

- **Thursday, January 7, 2016** for filing the Inventory and Appraisal
- **Thursday October 06, 2016** for filing the first account or petition for final distribution.

If proper items are on file prior to the filing dates pursuant to local rules, the status dates may come off calendar.

15

Andrew Perez (GUARD/P)

Case No. 15CEPR00421

Petitioner Perez, Desiree (Pro Per – Maternal Aunt – Petitioner)
 Petitioner Salarzon, Joseph D. (Pro Per – Maternal Uncle – Petitioner)
 Father Mesa, Andrew Martin (Pro Per – Father – Objector)
 Mother Perez, Rosalinda Cuellar (Pro Per – Mother – Objector)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 6/25/15:</u> Petitioners represent that they have obtained counsel and request a continuance. <u>Note:</u> As of 7/31/15, nothing further has been filed. 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on Maternal Grandfather Alfred Perez, Sr., and on any siblings of the minor age 12 or older.	
Cont. from 062515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7/31/15	
			Updates:	
			Recommendation:	
			File 15 - Perez	

15

Attorney Ladley, Candace K., and Martinez, Marla, for Petitioners)
 Attorney Mele, James J. (for Trustee Ruth Aileen Bise – Objector)

Petition for Suspension or Removal of Ruth Eileen Bise Rios as Trustee and Personal Representative, for Order Compelling Ruth Eileen Bise Rios to Turn over All of the Assets in Her Care, Possession, Custody and Control, & for Accounting to be Filed with the Court, and for Attorney's Fees, for Breach of Fiduciary Duty and Attorneys' Fees, for Tortious Interference with Right to Inherit, for Injunction & Removal from Residence, for Order Enjoining Trustee from Using Trust Assets to Defend Herself in this Action, for Conversion

Julia G. Jones DOD: 2009		RACHELLE RAE ROBLES RICO and JEREMY LELAND HERNANDEZ, grandchildren and heirs of the decedent and beneficiaries of the trust, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 060415		<p>Petitioners state Settlor Julie G. Jones aka Jean Jones, Julia Burnett Green Jones and Julia B. Jones, died in 2009, a resident of Tuolumne County. The principal place of business of the trust is located in Fresno County. Successor trustee Kurt Arnold died in 2013, and upon his death, RUTH EILEEN BISE RIOS, a resident of Fresno County, became successor trustee and is presently acting as trustee. Petitioners also include Does 1-100 as Respondents.</p> <p>The trust provides at Article Five that the decedent's daughter, Mary Virginia Jones Padilla ("Ginna") shall have a life estate for the exclusive use of the lower level of the decedent's residence, which right shall terminate by sale of the residence, voluntary absence from the premises for an excess of 60 days, or by voluntary surrender. Petitioners state Ginna has been absent from the premises for over 60 days and recently died; therefore, her life estate has terminated.</p> <p>The trust provides that the upper level of the residence shall be held in trust for use by family members including Petitioners, Ruth, Ginna, and Kurt Arnold, subject to the discretion of the trustee, who is responsible for scheduling. The cost of maintaining the residence shall be paid from the Chevron stock dividends.</p>	<p>Continued from 6/4/15 per stipulation. Further objections were filed 7/21/15.</p> <p><u>Note: As previously noted, the petition is missing Pages 5 through 8. As of 7/31/15, nothing further has been filed by Petitioner.</u></p> <ol style="list-style-type: none"> 1. If Petitioners' Requests to Waive Court Fees are not granted, need \$435.00 filing fee for this petition. 2. The petition is incomplete (missing Pages 5 through 8) and all signatures are copies. The petition was not filed by fax. <u>Need complete, original petition.</u> 3. The title of the petition does not include the Probate Code section that allows the requested relief pursuant to Local Rule 7.1.1.C. Some of the relief requested may not be appropriate within this probate trust matter and may require civil or other litigation for the relief requested (e.g., tortious interference with right to inherit, removal from residence, inclusion of "Does 1-100," etc.) 4. The petition does not state the names and addresses of each person entitled to notice of the petition as required by Probate Code §17201. 	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

SEE ADDITIONAL PAGES

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 7/31/15

Updates:

Recommendation:

File 16A - Jones

Page 2

Petitioners state (Continued): Since Ruth became trustee, she has ousted all other family members from the residence and refuses to allow anyone except herself and her friends to use the decedent's residence, contrary to the terms of the trust, and is also using the balance of the trust assets to pay for the maintenance of the residence. Ruth has also failed and refused to provide the beneficiaries of the trust with any accountings or notice as required by Probate Code §16061.7.

Petitioners request the Court find that Ruth should be suspended or removed as successor trustee for the following reasons:

- a. Breach of trust §15642(b)(1)
- b. Unfit to administer trust §15642(b)(2)
- c. Other good cause §15642(b)(9)

The trust property and/or interests of the petitioners may suffer loss or injury pending a decision on a petition for removal of Ruth as trustee; therefore, Petitioners seek an order requiring her to surrender trust property to a receiver or temporary trustee and suspend powers pursuant to §15642(e).

Pursuant to §15642(c), Ruth should bear all costs of this proceeding, including Petitioners' reasonable attorney fees if the court finds that her designation as trustee was not consistent with the intent of the settlor or was the product of fraud, menace, duress, or undue influence.

Petitioners request the Court find that a constructive trust exists over any and all assets of the trust in Ruth's possession, order Ruth to turn over all assets to a trustee appointed by the court, order Ruth to account for any and all assets ever in her possession within 30 days.

Petitioners seek their attorney's fees from Ruth pursuant to Probate Code §17211(b).

Petition is missing Pages 5 through 8. Page 9 continues the prayer that was apparently started on a prior missing page. Rather than summarize the incomplete prayer, Examiner's review will end here until the missing information is provided. As of 7/31/15, nothing further has been filed by Petitioner.

Note: The trust identifies the subject property as 13130 Wells Fargo Drive in Groveland, CA.

Ruth Aileen Bise Rios filed Opposition on 5/26/15, along with a declaration in support of her opposition from Yvonne Marie Scott, a granddaughter of the decedent. Objector states the court should deny the petition and/or set the matter for trial because Objector has not committed a breach of the trust or breached her fiduciary duties, is experienced and qualified to continue to act as trustee (and as decedent's trusted choice), has rendered substantial and valuable services to the beneficiaries in maintaining the trust real property and other asset (Chevron stock), has not "ousted" or "refused" petitioners from using the real property, has not used "the balance" of trust assets for maintenance of the family residence, and has not failed and refused to provide the beneficiaries with an accounting. The trust provides for scheduling of use at the discretion of the trustee and states the discretion of the trustee is incontestable. When the Chevron stock dividends were insufficient for maintaining the residence, Ruth used her personal funds to do so. Sometimes she would reimburse herself. Often, she would forego reimbursement. Ruth has caused to be prepared and filed the fiduciary income tax returns for the trust. Ruth has personally take her half-brother, Petitioner Jeremy Leland Hernandez, to the family residence on several occasions, and Ruth's sister, Petitioner Rachelle Rae Robles Rico, has never asked to use the residence. Ruth has not used the balance of the trust assets – only the dividends have and are being used, together with Ruth's personal funds, when necessary. A full and complete accounting is attached as Exhibit B. See Opposition for further details, which appear to respond to sections of the petition missing from the original filing.

Note: Examiner has not reviewed the accounting at Exhibit B, as it has not been filed with the court for review; it is only provided as a response to the petition.

SEE ADDITIONAL PAGES

Declaration of James J. Mele in opposition to Petition filed 7/21/15 states even though his client was not properly served, his client voluntarily answered and provided Petitioners through their attorney and filed with the court 1) a comprehensive opposition to the petition; 2) a declaration under penalty of perjury; 3) the Declaration under penalty of perjury of the remaining beneficiary under the trust, together with 4) a full and complete accounting, which had never before been requested by Petitioners, whose addresses were not then available to his client. (In fact, their addresses were not even set forth in the original petition.) Additionally, his client agreed to produce documentation to support the accounting. In her filed opposition and declaration, his client denies ever having denied use of the trust property to petitioners and identifies occasions on which Petitioners used the trust property.

Because his client has acted at all times within her fiduciary authority under the trust and has voluntarily responded to concerns set forth in the petition, Attorney Mele again requested on 7/18/15 that Petitioners dismiss their "contest" in order to avoid the potential loss of further or future benefits.

NEEDS/PROBLEMS/COMMENTS (continued):

5. **Notice of Hearing filed 5/4/15 appears to indicate deficient service on some persons, including service by email. See Probate Code §1215. Note: Per #4 above, it is also unclear if all parties entitled to notice are included.**
6. **Probate Code §17200(b) provides that proceedings under this section may be filed if the requested information is not provided within 60 days after reasonable written request. Petitioners do not indicate whether written request was made for the information. It appears this petition filed in the Probate Court may be premature, given this section, and #3 above.**
7. **Petitioners request appointment of a successor trustee, but do not state a name and do not provide information regarding value of the trust for bond purposes.**

Attorney: Alan D. Khalfin (of Burlingame, CA for Petitioner George Berz)

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under the Independent Administration of Estates Act**

DOD: 10/18/08		GEORGE E. BERZ , named executor, is petitioner and requests appointment without bond. All heirs waive bond.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, October 12, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
Cont. from 070915				
✓	Proof of Holographic Instrument			Full IAEA – o.k.
✓	Verified			Holographic Will dated: 11/21/2007
	Inventory			Residence: Fresno Publication: Fresno Business Journal
	PTC			
	Not.Cred.			
	Notice of Hrg			
✓	Aff.Mail	W/	Estimated value of the estate: Real property- \$150,000.00 Probate Referee: Rick Smith	
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 8/3/15
Updates:
Recommendation: SUBMITTED
File 17 - Berz

Petition for Order Confirming Trust Assets

			GARY S. DUNN, CPA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Petitioner seeks and order under Probate Code §850 confirming that certain assets held in the name of Marcia Macfaddin individually at the time of her death are assets of the Marcia Macfaddin Trust.

Petitioner alleges that at the time of her death, Marcia Macfaddin held title to assets certain assets listed in Exhibit B of the petition in her individual name.

By signing the Trust agreement Marcia Macfaddin assigned all of her right, title and interest in and to all of her property that may legally be held in trust, to the Trust, whether acquired before or after the execution of the Trust, with exception to certain categories of property.

Article One, Section 1.03(a) of the Trust sets forth the assignment, whereby she assigns all of her property to the Trust with the exception of:

- Life Insurance
- Keogh pension
- Qualified retirement plans
- Commercial annuities
- Section 1244 (small business) stock and
- Any property, the transfer of which would result in the immediate recognition of income subject to income or other taxes or transfer of which would result in the loss of a homestead exemption or violate a restriction on transfer agreement.

Please see additional page

Reviewed by: KT
Reviewed on: 8/3/15
Updates:
Recommendation:
File 18 – MacFaddin

This provision conclusively establishes Marcia Macfaddin's intent that the assets listed on Exhibit B were intended to be part of the Trust.

All of the assets listed on Exhibit B are assets that may be legally held in trust and are assets of the Marcia Macfaddin 2010 Trust even though title to those assets were not formally changed prior the death of Marcia Macfaddin.

Marcia Macfaddin executed a will dated 8/12/2010 leaving any property subject to that will to the trustee of the Marcia Macfaddin 2010 Trust.

Wherefore Petitioner prays for an order of the Court that:

1. The Marcia Macfaddin 2010 Trust dated 8/12/10 as restated on 9/16/10 is valid;
2. The assets set forth in Exhibit B are assets subject to the management and control of Gary S. Dunn, CPA, as trustee of the Marcia Macfaddin 2010 trust dated 8/12/2010, as restated on 9/16/10 and all third parties shall allow him to take possession and control of those assets in his capacity as Trustee.

Spousal Property Petition (Prob. Code §13650)

DOD: 4/24/15		JAKE TATOIAN , Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	
		Will dated 11/15/05, 1 st Codicil dated 9/14/11, and 2 nd Codicil dated 7/23/14 devise entire estate to Petitioner.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8/3/15
			Updates:
			Recommendation: SUBMITTED
			File 19 – Tatoian

Attorney Rindlisbacher, Curtis (for Lisa M. Lepper, Trustee of the Joseph 1994 Rev. Living Trust)

Attorney Ratzlaff, Ruth E. (for Beverly Perryman, Conservator of the Person and Estate)

Attorney Poochigian, Mark S. (for California Baptist Foundation)

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee

DOD: 6/17/2014		<p>BEVERLY PERRYMAN, niece, was appointed Conservator of the Person on 7/22/2003, and as Conservator of the Estate on 12/29/2008.</p> <p>Notice of Status Hearing filed 6/10/2015 set this status hearing on 7/23/2015 for termination of proceedings for the deceased Conservatee. <i>Clerk's Certification of Mailing</i> shows notice was served to Beverly Perryman on 6/10/2015.</p> <p>Order Approving Substituted Judgment to Create Charitable Remainder Trust and Amend Revocable Trust) Prob. C. 2580(a)) filed 12/29/2008 finds, in part:</p> <ul style="list-style-type: none"> BEVERLY PERRYMAN is appointed as Conservator of the Estate for the sole purpose of creating and executing the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST approved by this Court order (to minimize income taxes), and to execute the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST approved by this order; upon the execution of these, the Conservatorship of the estate shall terminate; LISA M. LEPPER shall serve as Trustee of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST until the death of Wilma L. Joseph, and upon her death Lisa Lepper shall execute a resignation as Trustee, and the CALIFORNIA BAPTIST FOUNDATION shall then serve as Successor Trustee of both Trusts. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 7/23/2015.</u> <i>Minute Order</i> states Mr. Rindlisbacher represents by his own personal knowledge, that the substituted judgment has been implemented, Ms. Joseph has passed, and the Trust is in place. He will file a declaration to assist in closing the matter. If said declaration is filed at least two court days prior, then no appearance is necessary, unless the examiner contacts him to advise that an appearance is needed.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> Need declaration re: closing of the conservatorship matter, per <i>Minute Order</i> of 7/23/2015. <i>Order Appointing Probate Conservator</i> filed 12/29/2008 containing Attachment 29 finds that upon execution of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST, the Conservatorship of the estate shall terminate. Need proof to be filed with the Court that the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST were executed, and that the terms of said <i>Order</i> have been met such that the Conservator of the Person and Estate may be discharged via an <i>Ex Parte Petition for Final Discharge and Order</i>.
Cont. from 072315			
Aff.Sub.W			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
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Letters			
Duties/S			
Objectn			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Post			
Status Rpt	X		
UCCJEA			
Citation			
FTBNotc			
Reviewed by: LEG			
Reviewed on: 8/3/15			
Updates:			
Recommendation:			
File 20 – Joseph			